REMARKS

The Examiner's action of January 10, 1994 was received and carefully reviewed. Initially, Applicant acknowledges with appreciation the Examiner's interview of April 7, 1994 and the allowance of claims 1, 3, 5-12, 14, 16, 18, 19 and 21. Claim 20 has been amended to include a sintering temperature, as discussed during the interview, to overcome the Examiner's formalistic rejection. Claims 1, 3, 5-12, 14, 16 and 18-21 are currently pending in the instant application.

Claim 20 was rejected under 35 U.S.C. §112, first and second paragraphs and under 35 U.S.C. §103. Initially, addressing the Examiner's formalistic rejection, the Examiner again contends that the claim 20 is non-enabling and fails to distinctly claim the invention. The Examiner contends that the disclosure of the present invention is enabling only for claims limited to the specific sintering temperatures recited in examples provided in the specification. In addition, the Examiner contends that the claim is indefinite without a recitation of the sintering temperature.

Applicant believes that claim 20 need not be limited to include the sintering temperature to overcome this rejection. Cases have held that "if a claim adequately defines patentable subject matter and meets the disclosure and clarity standards of Section 112, then it is proper, even though it may encompass less than what the inventor could claim." *Andrew Corp. v. Gabriel Electronics, Inc.* (Fed.Cir. 1988)(emphasis added).

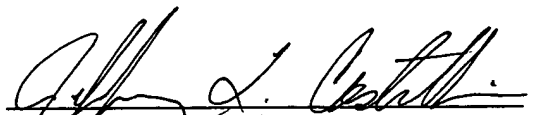
However, in order to overcome this rejection and place this case in a condition for allowance, claim 20 has been amended to include a sintering temperature range. Specifically, a sintering temperature range of 500-1000°C has been recited, as supported by the specification on page 10.

Claim 20 was also rejected under 35 U.S.C. §103 over Hanke et al., Kamatu, Waseleski et al., Brauer et al. and Ichikawa. The Examiner contends that although the superconducting composition is allowable over the cited art, the process for forming the same is conventional, and is, therefore, obvious. These references are not even directed to the formation of a superconducting ceramic material. In view thereof, there is no suggestion that the process disclosed therein would be useful to form the superconducting composition of the present invention.

Further, each of the references relied upon by the Examiner disclose temperature ranges closer to 1,200°C or higher. As a result, in view of the amendment to claim 20 to overcome the Examiner's formalistic rejection, claim 20 should likewise be considered allowable over the cited art of record.

In view of the foregoing, it is respectfully requested that the rejections of record be reconsidered and withdrawn, that claims 1, 3, 5-12, 14, 16 and 18-21 be allowed and that the application be passed to issue. If the Examiner believes that a conference would be beneficial in expediting the prosecution of the instant application, she is hereby invited to telephone counsel to arrange such a conference.

Respectfully submitted,



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